

Application No. 10/798,531Client Reference No. N0185US**REMARKS****I. Status**

Claims 14-18, 20-22, 26, and 29 have been amended for formality purposes. No new matter has been added as a result. Accordingly, claims 1-32 are currently pending.

II. Rejections Under 35 U.S.C. § 101

Claims 14-32 were rejected as being directed to non-statutory subject matter. (Office Action, page 2). Applicants respectfully disagree with the Examiner. Independent claims 14 and 29 recite providing a game play scenario on a user interface, which would be considered a tangible result. See MPEP 706.03(a). However, in the interest of furthering prosecution, independent claims 14 and 29 have been amended to recite "a map database stored on data storage hardware." Support for the amendments may be found on at least page 7, lines 17-19 and page 9, lines 10-14 as well as Figure 3 of the application. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections.

III. Rejections Under 35 U.S.C. § 112

Claims 1-13 were rejected as failing to comply with the written description requirement. (Office Action, page 3). Referring to claim 1, the Examiner asserts that he did not find any support for the feature of a virtual position being independent of a user's actual physical location. Support for the language that the computer game play scenario corresponds to a virtual position for display on the user interface in which the virtual position is independent of the user's actual physical location may be found on at least page 16, lines 24-26 (wherein gamers may be at different locations to play a game, and, therefore, the game play scenario is not dependent on user location) as well as page 8, line 23; page 18, line 7 – page 19, line 15; page 19, lines 18-26; and page 20, line 29 – page 21, line 6 (wherein different computer games, such as a "first-person-shooter" game and others, use geographic data for the game play scenario, such as a background, but the game play scenarios are not

Application No. 10/798,531Client Reference No. N0185US

linked to the player's real position) of the patent application. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections.

IV. Rejections Under 35 U.S.C. § 103

Claims 1, 9-19, and 24-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohtsu, et al. (U.S. 2004/0176936) in view of Ashby, et al. (U.S. 6,047,280).¹ Claims 2-8 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohtsu, et al. in view of Ashby, et al. and further in view of Koller, et al. (Virtual GIS: A Real-Time 3D Geographic Information System).

Claims 1-32

Regarding claims 1-32, please find enclosed herewith a declaration under 37 C.F.R. § 1.131 providing evidence of the claimed invention prior to the § 102(e) date (December 16, 2003) of the Ohtsu, et al. patent application publication, which was used in combination with other cited references in rejecting the claims.

Accordingly, the Ohtsu, et al. patent application publication is not available as prior art. (See MPEP § 715.02, part I). Thus, Applicants respectfully request that the rejections of pending claims 1-32 be withdrawn.


¹ U.S. Pat. No. 6,047,280 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '280 patent should not be construed as limiting or narrowing the scope of the claims thereof.

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Application No. 10/798,531Client Reference No. N0185US**V. Summary**

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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